IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE TWENTY EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE M.NARAYANA REDDY

WRIT APPEAL NO : 2086 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 25/06/2004 in WPMP No. 11475 of 2004 and W.P. No : 17426 OF 2003 on the file of the High Court.)

Between:

1 Sri. Mohammad Mosin Khan, S/o. MOhammad Nasib Khan,
R/o. H.NO. 1-18-505/A-1, Prakash Nagar, Begumpet, Hyderabad.
2 M.A. Khadeer, S/o. Mohaboob,
R/o. H.NO. 1-8-503/B, Vihar Nagar, Patigadda, Secunderabad.
3 M.T. Rajaram, S/o. Nagayya,
R/o. H.NO. 1-8-506/42, Prakash Nagar, Begumpet, Hyderabad.
4 K. Karunakiran, S/o. Krishna Swamy,
R/o. Plot NO. 104, Raghavendra Residence, S.R. Nagar, Hyderabad.
5 Syed Zainul Abedin, S/o. Syed Mohammad Sadie,
R/o. H.NO. 23-1278, Kotla Aijah, Hyderabad.

..... APPELLANT(S)

AND

1 The District Collector, Ranga Reddy District, Lakdikapool, Hyderabad.
2 Revenue Divisional Officer, Chevella Division, R.R. District, Attapur, Ranga Reddy

District.
3 The Mandal Reveneu Officer, Balanaga, R.R. District.
4 M/s. The Hyderabad Film Distributors & Exhibitors Co-op. HOuse Building Society Ltd., Rep by its Secretary Sri V.B. Choudary, S/o. V.R.S. Choudary, O/o. The Society at Happy Homes, S.D.Road, Secunderabad.

.....RESPONDENT(S)

Counsel for the Appellants:MR.M.P.CHANDRAMOULI

Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE

Counsel for the Respondent No.4: Mr. Ramakrishna Annavajjula

The Court at the admission stage made the following Oral Judgment: (per Sri Devinder Gupta, CJ)

Appellants' writ petition No. 17246 of 2003 was disposed of at the admission stage by the learned single judge on 25.8.2003 with a direction to respondents 1 to 3 to take appropriate action after following the due process of law and the guidelines issued by the Division Bench of this Court in Writ Petition No. 21198 of 1997, dated 3.2.1998.

An application was moved by the 4th respondent herein seeking to have the said orders set aside. The said application was allowed and by the order now impugned in this writ appeal dated 25.6.2004, the learned single judge proceeded to recall the order dated 25.8.2003 and dismissed the writ petition.

Learned counsel for the appellants submits that the learned single judge ought not to have adopted this course. He submits that the learned single judge instead of relegating the appellants to have their remedies in other appropriate proceedings in accordance with law, ought to have directed the 4th respondent to avail that course.

We have duly considered the submissions made at the Bar.

What the appellants were seeking in the writ petition was to protect the property against the official respondents. But, now, the 4th respondent has come into the scene and it has been seriously challenging the rights of the appellants over the property in question. It was brought to the notice of the learned single judge that there has been lot of litigation and suppression of material facts. Learned single judge, in our considered view, rightly dismissed the writ petition after observing that disputed questions of law as to ownership and possession of the land in question are involved, for which, the proper remedy for the appellants is not to file writ petition. But, these questions must have to be adjudicated in appropriate proceedings before

the appropriate forum.

With such an order passed by the learned single judge, we do not find any ground to interfere.

The writ appeal is accordingly dismissed. No costs.

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DEVINDER GUPTA, CJ

Date: 28th December, 2004

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M. NARAYANA REDDY,J

Pnb

To

1 The District Collector, Ranga Reddy District, Lakdikapool, Hyderabad.
2 Revenue Divisional Officer, Chevella Division, R.R. District, Attapur,

Ranga Reddy District.
3 The Mandal Reveneu Officer, Balanaga, R.R. District.
4 Two C.Cs. to the Government Pleader for Revenue, High Court

Buildings, Hyderabad.

5 Two C.D. copies